

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PARADISE MORGAN, Individually and as the  
representative of a class of similarly situated persons,

Case No. 23-cv-5397 (JPO) (KHP)

Plaintiff,

- against -

VITAL PLAN, INC.,

Defendant.

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**JUDGMENT**

WHEREAS, Plaintiff, Paradise Morgan, commenced the above-captioned action against Vital Plan, Inc. on June 26, 2023 by filing a Summons and Complaint, alleging that Defendant failed to design, construct, maintain and operate its website, [www.vitalplan.com](http://www.vitalplan.com), (the “Website”) to be fully accessible to and independently usable by Plaintiff and other blind or visually-impaired persons and denying blind and visually-impaired persons throughout the United States with equal access to the goods and services Defendant provides to its non-disabled customers through the Website in violation of the Americans with Disabilities Act and alleges that Defendant violated Title III of the Americans with Disabilities Act, 42 U.S.C. §§ 12182, *et seq.*, N.Y. Exec. Law § 296, *et seq.*, and N.Y.C. Administrative Code § 8-107, *et seq.*, and the laws of New York; and

WHEREAS, Defendant served Plaintiff’s counsel with an Offer of Judgment dated January 8, 2024; and

WHEREAS, Plaintiff has elected to accept the Offer of Judgment and has served upon counsel for Defendant and filed with the Court a Notice of Acceptance of Offer of Judgment dated January 17, 2024, it is

ORDERED, ADJUDGED AND DECREED, that the Plaintiff have judgment against the defendant in the liquidated amount of \$1,000 with interest at 9% from June 26, 2023, amounting to \$1,052.03 plus reasonable attorneys' fees plus costs and disbursements of this action in an amount to be determined by the court; and it is further

ORDERED, ADJUDGED AND DECREED, that Defendant shall provide the injunctive relief set forth in paragraphs (a) and (b) of the Offer of Judgment within 4 months from the date of this Judgment.

**The parties shall confer and attempt to reach agreement on an amount of reasonable attorneys' fees and costs. If no agreement is reached by Feb. 13, 2024, then Plaintiff shall file any application for fees and costs by Feb. 23, 2024, to which Defendant may respond within 3 weeks.**

January 23, 2024



J. PAUL OETKEN  
United States District Judge